

Message Text

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INFO AMEMBASSY BUCHAREST
AMEMBASSY BONN
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USMISSION NATO
USMISSION BERLIN
USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 216543

SUBJECT: CSCE: ROMANIAN PROPOSAL ON IMPLEMENTATION
ON NON-USE OF FORCE

REF: GENEVA 5998

1. DEPT HAS CONSIDERED VIEWS OF ROMANIAN AMBASSADOR SET
FORTH REFTEL BUT UNFORTUNATELY FINDS VERY LITTLE ROOM
FOR COMPROMISE. AS STATED IN STATE 163091, WE HAVE NO
DIFFICULTY AGREEING TO BULGARIAN OR ROMANIAN FORMULATIONS
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PROVIDED LANGUAGE IS PROPERLY AND CLEARLY QUALIFIED,

AS IN THE UN SPECIAL COMMITTEE'S DRAFT DEFINITION OF AGGRESSION, SO THAT ACTS WHICH ARE CONSISTENT WITH THE UN CHARTER ARE NOT PROHIBITED. WE DO NOT FEEL THAT A GENERAL REFERENCE TO THE CHARTER IN ANOTHER PART OF THE DOCUMENT WILL BE ADEQUATE FOR THIS PURPOSE. HOWEVER, THE REFERENCE TO THE CHARTER WE HAVE PROPOSED WOULD NOT HAVE TO BE IN THE SAME PARAGRAPH. THE DEFINITION OF AGGRESSION ITSELF LISTS ACTS OF AGGRESSION IN ARTICLE III SUBJECT TO ARTICLE II WHICH ALSO MAKES REFERENCE TO THE UN CHARTER. HERE IT WOULD ALSO BE POSSIBLE FOR CHARTER REFERENCE TO BE PLACED IN AN ADJACENT PROVISION PROVIDED AN EXPRESS REFERENCE TO SUCH PROVISION IS PLACED IN FINAL FORMULATION. OUR PREFERENCE HOWEVER IS TO PLACE THE REFERENCE IN THE SAME PARAGRAPH.

2. TO REFER ONLY TO "PURPOSES AND PRINCIPLES" OF THE CHARTER WOULD BE A MORE RESTRICTIVE REFERENCE THAN THAT IN THE DEFINITION OF AGGRESSION AND MIGHT RAISE QUESTIONS AS TO WHETHER CSCE WAS CREATING SOME NEW RESTRICTIONS IN THIS AREA. FYI - ROMANIANS WOULD OF COURSE LIKE A REFERENCE TO THE CHARTER WHICH COULD BE READ NOT TO INCLUDE ARTICLES 53 AND 107, THE "ENEMY STATES ARTICLES". WE ARE NOT PREPARED TO AGREE TO SUCH A REFERENCE WHICH, IN THE CONTEXT OF ROMANIAN PROPOSAL, COULD DAMAGE OUR POSITION IN GERMANY AND BERLIN. WITHOUT A REFERENCE IN THE FORMULATION TO THE CHARTER AS A WHOLE, INCLUDING ARTICLE 107, OUR AUTHORITY TO MOVE TROOPS TO BERLIN OVER TERRITORY CLAIMED BY THE GDR AND IN THE FACE OF GDR OBJECTION MIGHT BE OPEN TO LEGAL CHALLENGE ON THE GROUNDS THAT SUCH ACTION CONTRAVENES THE "PURPOSES AND PRINCIPLES" OF THE CHARTER BY VIOLATING THE GDR'S SOVEREIGN EQUALITY AND TERRITORIAL INTEGRITY. IT IS OPEN TO QUESTION HOW EFFECTIVE ANY DISCLAIMER MIGHT BE AGAINST SUCH A CHALLENGE, AND IT SHOULD BE REMEMBERED THAT OUR PRESENT DISCLAIMER APPLIES ONLY TO THE DECLARATION OF PRINCIPLES AND THEREFORE WOULD NOT APPLY TO THE ROMANIAN PROPOSAL IF IT WERE TO END UP IN AN SEPARATE DOCUMENT. END FYI

3. AN ENUMERATION AT CSCE OF ALL EXCEPTIONS TO THE
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NON-USE OF FORCE RULE WOULD NOT SEEM FEASIBLE, SINCE THIS IS AN AREA WHICH REMAINS POORLY DEFINED AND WOULD REQUIRE VERY EXTENSIVE IN-DEPTH STUDY BY EXPERTS, WHICH MIGHT IN ANY EVENT NOT PRODUCE AGREEMENT.

4. IF IT WILL REASSURE THE ROMANIANS, YOU ARE AUTHORIZED TO TELL THEM THAT AS FAR AS ARTICLES 53 AND 107 ARE CONCERNED, WE KNOW OF NO ACTION WHICH HAS BEEN TAKEN OR

AUTHORIZED, OR ANY REGIONAL ARRANGEMENT, WHICH WOULD
ALLOW ANY ACTION BY ANY STATE UNDER THOSE ARTICLES
AGAINST ROMANIA IN A MANNER CONTRARY TO THEIR PROPOSAL.
YOU MIGHT SUGGEST THAT THEY SEEK A SIMILAR INTERPRETA-
TION FROM THE SOVIETS.

5. WE REGRET NOT BEING ABLE TO BE MORE ACCOMMODATING
WITH THE ROMANIANS AND STAND READY TO CONSIDER ANY FURTHER
SUGGESTIONS THEY MAY HAVE. INGERSOLL

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